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EXAMINER

PERSINO, RAYMOND B

ART UNIT	PAPER NUMBER
2682	70

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/579,137

Applicant(s)

OKADA ET AL.

Examiner

Raymond B. Persino

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11-13 and 15-23 is/are rejected.
- 7) ☒ Claim(s) 3,10 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/30/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 11, 12, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over BUSH (US 6,466,677 B1) in view of SHIBAYAMA (US 6,233,002 B1).

Regarding claim 1, BUSH discloses an audio system, comprising: a head attachment audio unit having a reproduction portion configured to reproduce audio information stored in a memory portion and an output portion configured to output sound according to the reproduced audio information (column 2 lines 47-61 and column 3 lines 10-44); and a control unit configured to transmit a control signal that controls an audio reproduction operation of the reproduction portion of the head attachment audio unit (column 3 lines 45-50 and column 4 lines 47-67). However, BUSH does not disclose that the control unit is remote. SHIBAYAMA discloses a remote control unit, for an earphone system that is to be used with an audio device (column 10 line 60 to column 11 line 7). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify BUSH to have the controls be remote. The invention of BUSH would benefit from the teaching of SHIBAYAMA. SHIBAYAMA

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discloses that it is problematic to have a control section connected to an earphone (see column 1 lines 27-50). For example, a problem would be the added size and weight of the control section. Another example would be the impaired operability of the control section due to the required small size or placement of the control section.

SHIBAYAMA teaches that the solution to the problem is to have the control section be remote (see column 2 lines 40-54). In BUSH's invention the control section being attached to the headphone would pose an analogous problem to that identified by SHIBAYAMA. Thus SHIBAYAMA's solution of making the control section remote would resolve the problems in the invention of BUSH.

Regarding claim 2, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. BUSH further discloses the remote control unit transmits the control signal over radio (column 3 lines 21-23).

Regarding claim 11, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. BUSH further discloses that the memory portion is a memory medium freely attachable and detachable to and from the head attachment audio unit body (column 2 lines 51-61).

Regarding claim 12, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. BUSH further discloses that the memory portion is a solid memory disposed to the head attachment audio unit body (column 2 lines 51-61).

Regarding claim 15, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. SHIBAYAMA further discloses that the head attachment audio unit further comprises a response portion configured to return a response signal

corresponding to the control signal to the remote control unit; and the remote control unit further comprises a reception portion for receiving the response signal (column 5 line 66 to column 6 line 8).

Regarding claim 20, BUSH discloses a head attachment audio unit, comprising: a reproduction portion configured to reproduce audio information stored in a memory (column 2 lines 47-61 and column 3 lines 10-44); an output portion configured to output sound conforming to the reproduced audio information (column 2 lines 47-61); and a control portion configured to control the audio reproduction operation of the reproduction portion based on the control signal (column 2 lines 47-61 and column 3 lines 10-44). However, BUSH does not disclose a reception portion configured to receive an external control signal for controlling the reproduction portion. SHIBAYAMA discloses a remote control unit, for an earphone system that is to be used with an audio device and that the earphone system includes a reception portion configured to receive an external control signal for controlling the reproduction portion (column 7 lines 41-58 and column 10 line 60 to column 11 line 7). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify BUSH to have the controls be remote, thus requiring the head attachment audio unit to have a reception portion. The invention of BUSH would benefit from the teaching of SHIBAYAMA. SHIBAYAMA discloses that it is problematic to have a control section connected to an earphone (see column 1 lines 27-50). For example, a problem would be the added size and weight of the control section. Another example would be the impaired operability of the control section due to the required small size or placement of the control section.

SHIBAYAMA teaches that the solution to the problem is to have the control section be remote (see column 2 lines 40-54). In BUSH's invention the control section being attached to the headphone would pose an analogous problem to that identified by SHIBAYAMA. Thus SHIBAYAMA's solution of making the control section remote would resolve the problems in the invention of BUSH.

3. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over BUSH (US 6,466,677 B1) in view of SHIBAYAMA (US 6,233,002 B1) and further in view of YOSHIKAWA et al (US 5,847,305 A).

Regarding claim 4, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. However, neither BUSH nor SHIBAYAMA disclose that the remote control unit is attached with a wrist-belt. YOSHIKAWA et al discloses a remote control unit attached with a wrist-belt (column 9 line 63 to column 10 line 14). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for a remote control unit to be attached with a wrist-belt. The invention of BUSH in view of SHIBAYAMA would benefit from the teaching of YOSHIKAWA et al. YOSHIKAWA et al discloses an improved remote control device that is convenient to use and thereby easily permits selection of music that is more frequently selected (see column 2 lines 31-34). Thus YOSHIKAWA et al's teaching would be an improvement to the invention of BUSH in view of SHIBAYAMA in that it would result in a improved remote control device that is convenient to use and thereby easily permits selection of music that is more frequently selected.

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Regarding claim 6, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. However, neither BUSH nor SHIBAYAMA disclose that the remote control unit is in the shape of a ring. YOSHIKAWA et al discloses a remote control unit attached with a wrist-belt (column 9 line 63 to column 10 line 14). When a watchband is in use is in the shape of a ring. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for a remote control unit to be in the shape of a ring. The invention of BUSH in view of SHIBAYAMA would benefit from the teaching of YOSHIKAWA et al. YOSHIKAWA et al discloses an improved remote control device that is convenient to use and thereby easily permits selection of music that is more frequently selected (see column 2 lines 31-34). Thus YOSHIKAWA et al's teaching would be an improvement to the invention of BUSH in view of SHIBAYAMA in that it would result in a improved remote control device that is convenient to use and thereby easily permits selection of music that is more frequently selected.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over BUSH (US 6,466,677 B1) in view of SHIBAYAMA (US 6,233,002 B1) and further in view of YU (US 5,847,305 A).

Regarding claim 5, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. However, neither BUSH nor SHIBAYAMA disclose that the remote control unit comprises a mechanism of attaching and detaching the remote control unit to and from a watchband. YU et al discloses a wrist mounted light that includes a remote control, comprising a mechanism of attaching and detaching the unit

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to and from a watchband (column 1 lines 52-57 and column 2 lines 17-21). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for a remote control unit to comprise a mechanism of attaching and detaching the remote control unit to and from a watchband. The invention of BUSH in view of SHIBAYAMA would benefit from the teaching of YU. YU discloses a flashlight supported on an adjustable band on the wrist. Thus YU's teaching would be an improvement to the invention of BUSH in view of SHIBAYAMA in that it would add the functionality of a flashlight to the remote control.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over BUSH (US 6,466,677 B1) in view of SHIBAYAMA (US 6,233,002 B1) and further in view of ANDERSON (US 5,316,249 A).

Regarding claim 7, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. However, neither BUSH nor SHIBAYAMA disclose that the remote control unit is attached with an adhesive tape. However, ANDERSON discloses a remote control that is stuck with an adhesive (column 4 lines 50-54). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use an adhesive on the remote control so as to stick it to something. ANDERSON would enhance the teaching of BUSH and SHIBAYAMA by allowing the remote to stick to a surface. This will result in the remote being less likely to be misplaced



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6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over BUSH (US 6,466,677 B1) in view of SHIBAYAMA (US 6,233,002 B1) and further in view of FOSTER (US 5,587,704 A).

Regarding claim 8, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. However, neither BUSH nor SHIBAYAMA disclose that the remote control unit is a pendant type remote control unit. FOSTER discloses a remote control unit attached with a chain (column 3 lines 59-63). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for a a remote control unit to be attached with a chain. The invention of BUSH in view of SHIBAYAMA would benefit from the teaching of FOSTER. FOSTER's invention may appear to be directed toward art unrelated to that of BUSH or SHIBAYAMA. However, FOSTER's teaching is directed toward the remote activation of an audio system. As such the examiner finds the remote control of an audio system whether the audio is outputted to a headphone or loudspeaker to be analogous art. Further, motivation to modify the remote control of BUSH in view of SHIBAYAMA to be a pendant type remote control unit is that such a type of remote control allows for one to quickly reach for the remote, as it will be in close proximity. Further, a remote control unit attached with a chain helps reduce the likelihood that the remote control will be misplaced.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over BUSH (US 6,466,677 B1) in view of SHIBAYAMA (US 6,233,002 B1) and further in view of HUANG et al (US 6,437,836 A).

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Regarding claim 9, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. However, neither BUSH nor SHIBAYAMA disclose that the remote control unit is one body with a portable information terminal. HUANG et al discloses a remote control unit is one body with a portable information terminal [PDA] (column 3 line 56 to column 4 line 6). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for a remote control unit to be one body with a portable information terminal. Incorporating a portable information terminal with a remote allows for an extended functionality remote control. Thus the invention of BUSH in view of SHIBAYAMA would benefit from the teaching of HUANG et al.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over BUSH (US 6,466,677 B1) in view of SHIBAYAMA (US 6,233,002 B1) and further in view of an examiner's official notice.

Regarding claim 13, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. However, neither BUSH nor SHIBAYAMA disclose that the head attachment audio unit further comprises an input terminal configured to input an audio signal. The examiner takes official notice that it was known to have a headphone device with an input terminal configured to input an audio signal. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the head attachment audio unit to further comprise an input terminal configured to input an audio signal. Having a input terminal allows the head attachment

audio unit to function as headphones for use with an external audio signal. Thus the invention of BUSH in view of SHIBAYAMA would benefit from the modification.

9. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over BUSH (US 6,466,677 B1) in view of SHIBAYAMA (US 6,233,002 B1) and further in view of KITAO et al (US 6,124,804 A).

Regarding claim 16, see the rejection of claim 15 regarding the subject matter this claim is dependant upon. However, neither BUSH nor SHIBAYAMA disclose that the remote control unit further comprises a display portion configured to display information visually based on the response signal received by the reception portion. KITAO et al discloses a remote control unit comprising a display portion configured to display information visually based on the response signal received by the reception portion (column 10 line 8 to column 11 line 6). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for a remote control unit to comprise a display portion configured to display information visually based on the response signal received by the reception portion. Incorporating a display on the remote control to display information based on response signal received by a reception portion allows the user of the remote to become aware of the response information (see KITAO et al, column 11 lines 1-12). Further, the headphone of BUSH includes a display, however the display would not be visible to the user when the headphone is placed on the head of the user. Thus locating the display on the remote would enable the user to see the display while the headphone is in use and get real time indication of the status of the headphone system. Even further, having the

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display on the headphone system adds weight. Thus motivation to have the display be on the remote is similar to that for having the controls be remote (see the rejection of claim 1). Thus the invention of BUSH in view of SHIBAYAMA would benefit from the teaching of KITAO et al.

Regarding claim 17, see the rejection of claim 15 regarding the subject matter this claim is dependant upon. SHIBAYAMA further discloses that the remote control unit comprises; a control button configured to implement control of reproduction of the audio information; a transmitter/receiver configured to transmit, when the control button is pushed down, control signal corresponding to the pushed control button and configured to receive the response signal corresponding to the control signal (column 5 line 53 to column 6 line 8 and column 7 lines 45-58). However, SHIBAYAMA does not disclose that the remote includes a display portion configured to display information visually based on the response signal received by the transmitter/receiver. KITAO et al discloses a remote control unit comprising a display portion for visually displaying information based on response signal received by the transmitter/receiver (column 10 line 8 to column 11 line 6). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for a remote control unit to comprise a display portion for visually displaying information based on response signal received by the transmitter/receiver. Incorporating a display on the remote control to display information based on response signal received by a reception portion allows the user of the remote to become aware of the response information (see KITAO et al, column 11 lines 1-12). Further, the headphone of BUSH includes a display, however

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the display would not be visible to the user when the headphone is placed on the head of the user. Thus locating the display on the remote would enable the user to see the display while the headphone is in use and get real time indication of the status of the headphone system. Even further, having the display on the headphone system adds weight. Thus motivation to have the display be on the remote is similar to that for having the controls be remote (see the rejection of claim 1). Thus the invention of BUSH in view of SHIBAYAMA would benefit from the teaching of KITAO et al.

Regarding claim 18, see the rejection of claim 17 regarding the subject matter this claim is dependant upon. SHIBAYAMA further discloses the transmitter/receiver of the remote control unit is disposed on a same face as on which the control button is disposed (figure 1B).

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over BUSH (US 6,466,677 B1) in view of SHIBAYAMA (US 6,233,002 B1) and further in view of KITAO et al (US 6,124,804 A) and even further in view of an examiner's official notice with evidence provided by HOLLING et al (US 5,378,874 A).

Regarding claim 19, see the rejection of claim 17 regarding the subject matter this claim is dependant upon. However, neither BUSH, SHIBAYAMA nor KITAO et al disclose that the remote control unit comprises an ON/OFF control portion configured to control ON/OFF of a main power source of the remote control unit body according to an input situation from the control button. Nevertheless, the examiner takes official notice that it was known in the art at the time the invention was made to have a remote control unit comprise an ON/OFF control portion configured to control ON/OFF of a main power

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source of the remote control unit body according to an input situation from the control button. The examiner provides as evidence HOLLING et al which discloses a remote control with an automatic shut-off feature which extends the life of the batteries used to power the remote by turning off unnecessary circuitry, such as the remote receiver and placing the microcomputer in "sleep mode" between transmissions (column 8 lines 51-61). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a remote control unit comprises an ON/OFF control portion for controlling ON/OFF of a main power source of the remote control unit body according to an input situation from the control button. Motivation to do so is that it reduces the power drain on the battery thus extending battery life.

11. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over BUSH (US 6,466,677 B1) in view of SHIBAYAMA (US 6,233,002 B1) and further in view of an examiner's official notice.

Regarding claim 21, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. Both BUSH and SHIBAYAMA disclose some type of operation button/logic configured to control operation of the audio reproduction. However, neither BUSH, SHIBAYAMA nor KITAO et al explicitly disclose that the audio reproduction operation comprises functions to start reproducing and information, stop reproducing audio information, implement reversing, and implement fast forwarding. Nevertheless the examiner takes official notice that it was known for the audio reproduction operation to comprises functions to start reproducing and information, stop reproducing audio information, implement reversing, and implement fast forwarding.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made that the audio reproduction operation comprises functions to start reproducing and information, stop reproducing audio information, implement reversing, and implement fast forwarding. Implementing common features of audio reproduction devices makes the device more desirable to a user.

Regarding claim 22, see the rejection of claim 21 regarding the subject matter this claim is dependant upon. SHIBAYAMA further discloses an operation on the remote control to effect audio reproduction operation (music button, figure 1b).

Regarding claim 23, see the rejection of claim 20 regarding the subject matter this claim is dependant upon. Both BUSH and SHIBAYAMA disclose some type of operation button/logic configured to control operation of the audio reproduction. However, neither BUSH, SHIBAYAMA nor KITAO et al explicitly disclose that the audio reproduction operation comprises functions to start reproducing and information, stop reproducing audio information, implement reversing, and implement fast forwarding. Nevertheless the examiner takes official notice that it was known for the audio reproduction operation to comprises functions to start reproducing and information, stop reproducing audio information, implement reversing, and implement fast forwarding. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made that the audio reproduction operation comprises functions to start reproducing and information, stop reproducing audio information, implement reversing, and implement fast forwarding. Implementing common features of audio reproduction devices makes the device more desirable to a user.

***Allowable Subject Matter***

12. Claims 3, 10, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 3, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. BUSH further discloses that the remote control unit comprises a transmitter configured to transmit the control signal (column 5 line 66 to column 6 line 8). Although, neither BUSH nor SHIBAYAMA disclose that the transmitter comprising an antenna for transmitting electromagnetic waves; and a shield unit having an opening at a prescribed position thereof and the antenna being inserted therein. Nevertheless the examiner is of the opinion that the transmitter comprising an antenna for transmitting electromagnetic waves is inherent if not obvious. However in the context of the entirety of the subject matter associated with the claim, the examiner has not found prior art teaching it to be inherent or obvious to have a shield unit having an opening at a prescribed position thereof and the antenna being inserted therein. Therefore the applicant's invention of claim 3 comprises a unique combination of subject matter that is neither taught nor suggested by the prior art.

Regarding claim 10, see the rejection of claim 9 regarding the subject matter this claim is dependant upon. However, neither BUSH, SHIBAYAMA nor HUANG et al



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disclose that the audio information is downloaded through the portable information terminal to the memory portion. Further, in the context of the entirety of the subject matter associated with the claim, the examiner has not found prior art teaching it to be inherent or obvious to have audio information being downloaded through the portable information terminal to the memory portion. Therefore the applicant's invention of claim 10 comprises a unique combination of subject matter that is neither taught nor suggested by the prior art.

Regarding claim 14, see the rejection of claim 1 regarding the subject matter this claim is dependant upon. However, neither BUSH nor SHIBAYAMA disclose that the head attachment audio unit comprises a mechanism capable of attaching and detaching the remote control unit. Further, in the context of the entirety of the subject matter associated with the claim, the examiner has not found prior art teaching it to be inherent or obvious to have a head attachment audio unit comprising a mechanism capable of attaching and detaching the remote control unit. Therefore the applicant's invention of claim 10 comprises a unique combination of subject matter that is neither taught nor suggested by the prior art.

### ***Response to Arguments***

14. Applicant's arguments filed 7/9/2003 have been fully considered but they are not persuasive. On page 9 of the amendment the applicant argues that Shibayama does not disclose an audio reproduction operation that is a portion of a head attachment unit itself. However, the examiner asserts that Bush teaches of an audio reproduction

operation that is a portion of a head attachment unit itself. Moreover, Shibayama teaches of the remote control. Thus, the combination of Bush and Shibayama teaches the subject matter contained in claims 1 and 20. Hence, the examiner maintains the rejections based on Bush and Shibayama.

### ***Conclusion***

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (703) 308-7528. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Raymond B. Persino *RP*  
Examiner  
Art Unit 2682

RP

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

10/6/03